



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

GARY STEVEN MANSELL, SR.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:05-445-HFF-BHH
	§	
JOHN E. POTTER, Postmaster General, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER DISMISSING CASE

This is a civil rights action alleging racial discrimination in employment practices. The Plaintiff is proceeding *pro se*. The Court exercises jurisdiction based on 28 U.S.C. § 1331. The matter is before the Court for review of the report and recommendation (Report) of the United States Magistrate Judge in which she recommends that the action be dismissed for failure to prosecute and failure to comply with Court orders. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or may recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed her Report on January 27, 2006, and Plaintiff failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir.1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this action be, and hereby is, **DISMISSED** pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Signed this 16th day of February, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd _____
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within **sixty (60)** days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.